

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Elvin Salinas

Case No.

2:21-mj-30052

Judge: Unassigned,

Filed: 01-26-2021 At 09:20 AM

CMP USA v. Elvin Salinas (krc)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 10, 2020 in the county of Oakland in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about December 10, 2020, at or near Pontiac, Michigan, in the Eastern District of Michigan, Southern Division, Elvin SALINAS, an alien from Honduras, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about June 14, 2017 at Alexandria, Louisiana and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

Complainant's signature

Jeremy R. McCullough, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence  
and/or by reliable electronic means.Date: January 26, 2021

Judge's signature

City and state: Bay City, Michigan

Patricia T. Morris, United States Magistrate Judge

Printed name and title

Save

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jeremy McCullough, being first duly sworn, hereby state the following under penalty of perjury:

1. I am a Deportation Officer with United States Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations, having been so employed since March 2003. Previously I was employed by the United States Department of Justice, Immigration and Naturalization Service, Detention and Removal Operations. I was previously assigned to the Federal Bureau of Investigation (FBI) Violent Gang Task Force (VGTF) for seven years and continue to participate in VGTF investigations. During my career, I have been involved in numerous investigations of federal immigration violations, identity theft, federal firearms, narcotics, credit card fraud investigations, homicide and public corruption investigations.
2. I make this affidavit from personal knowledge based on my participating in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. This affidavit is submitted in support of an arrest warrant for ELVIN JOAQUIN SALINAS, date of birth 02/X/19XX, who is a native and citizen of Honduras. This affidavit is based on my personal knowledge, as well as information and reports submitted by other law enforcement officers, sources of information and information obtained from the alien file of ELVIN JOAQUIN SALINAS. Because this affidavit is submitted for the limited purpose of demonstrating probable cause for the issuance of the requested warrant, it does not contain each and every fact known about this case by your affiant or ICE/ERO.
4. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 8, U.S.C., Section 1326(a), Unlawful Re-Entry Following Removal, has been committed by ELVIN JOAQUIN SALINAS.

### **Introduction**

5. In October 2020, the Immigration and Customs Enforcement/Enforcement and Removal Operations (ICE/ERO) began an investigation concerning the unlawful re-entry of ELVIN JOAQUIN SALINAS, a native and citizen of Honduras.
6. ICE/ERO began investigating SALINAS after obtaining information through multiple interviews that SALINAS had unlawfully re-entered the United

States after being removed and was residing in Pontiac, Michigan, in the Eastern District of Michigan. During his arrest in 2017, SALINAS was in possession of a handgun and cocaine. There is currently an open arrest warrant issued for SALINAS by the 50<sup>th</sup> Judicial District Court located in Pontiac, Michigan.

### **Probable Cause**

7. On, December 3, 2020, ICE/ERO Officers, while conducting surveillance on 443 South Boulevard East, Pontiac, Michigan, observed a dark blue colored 2011 Chevrolet Silverado, bearing Michigan registration ECB 2804, which is registered to Magdeleno Rangel-Tapia. This vehicle description matches the vehicle that was described to officers in interviews about SALINAS. During surveillance Officers observed a male who matched the height and weight of SALINAS exit the rear of the residence and enter the Silverado and depart. Based on the observations and the Officers' training and experience, it is known that aliens who are unlawfully present in the United States often utilize vehicles registered to others, since under the laws in the State of Michigan, aliens are unable to procure a driver's license. During a previous arrest, SALINAS utilized a vehicle belonging to another person.
8. On December 10, 2020, Officers observed a two-tone, 2011 Dodge Ram, pick-up truck, with a Dodge sticker in the rear window, bearing Michigan

registration EGU 4650, depart 844 University, Pontiac, MI. This vehicle is registered to Yessenia Yamilet Nunez. Officers observed the vehicle as it traveled to 443 South Boulevard East, pulled in the driveway, waited a short time then departed. The Dodge Ram pick-up truck then traveled to a parking lot on South Saginaw street near the address of 193 South Saginaw, Pontiac, MI, where the employees for A&P Tree service meet. A short time later the Dodge Ram pick-up truck departed and was followed by Officers. After making several stops, the Dodge Ram pick-up truck pulled into the driveway of the residence at South Portsmouth and Onyx in Bridgeport, Michigan. Additional A&P Tree Service vehicles and employees were there. The work crew worked at the location while surveillance was maintained. After some time, the crew the departed and traveled to an address on Emerald at Onyx in Bridgeport, MI. The employees began working at the location and tree climbers were observed in the trees cutting limbs. One of the tree climbers matched the description of SALINAS. SALINAS was wearing a black zip up hoodie, with a grey shirt underneath, and a dark winter cap. Prior information obtained on SALINAS was that he was a tree climber. After a while the climbers descended and the climber believed to be SALINAS had now removed his black zip up hoodie and was only wearing a long sleeve grey shirt, dark colored winter cap and waist climbing

equipment. Deportation Officer McCullough was able to positively identify the climber wearing the grey long sleeve, dark winter cap and climbing rig as SALINAS. A short time later SALINAS ascended a tree closer to the road and Deportation Officers Farley and Demarse both confirmed the climber was SALINAS.

### **Immigration History**

9. On November 5, 2006, ELVIN JOAQUIN SALINAS was arrested by the United States Border Patrol near Douglas, Arizona. At that time SALINAS provided the name of PERO RUIZ-VENTURA and claimed to be a citizen of Mexico. United States Border Patrol allowed SALINAS to Voluntary Return (VR) to Mexico.
10. On April 26, 2017, SALINAS was arrested by ICE/ERO after he was released from the Oakland County Jail, where he was being held on Possession of Cocaine charges and a weapons offense. ICE/ERO issued and served a Notice to Appear (NTA) before an Immigration Judge.
11. On May 18, 2017, SALINAS was ordered removed from the United States by an Immigration Judge. SALINAS was removed to Honduras via ICE owned Air on June 14, 2017.

12. A criminal history query was conducted on SALINAS which reveals the following:

- February 25, 2012, SALINAS arrested for Operating While Intoxicated in violation of Michigan Compiled Law §257.6251-A and Fleeing and Eluding 4<sup>th</sup> Degree, in violation of Michigan Compiled Law §750.479A2. For these offenses, SALINAS was sentenced to 77 days in the Oakland County Jail.
- April 2, 2017, SALINAS, was arrested by the Oakland County Sheriff Department for Possession of Controlled Substance(s) in violation of Michigan Compiled Law §333.74032A5 and Assault with a Dangerous Weapon, in violation of Michigan Compiled Law §750.82. SALINAS was removed to HONDURAS prior to the disposition of the case. On July 19, 2017, a warrant for possession of controlled substance was issued from this arrest.

13. Review of the Alien File (A# xxx xxx 109) for SALINAS and queries in computer databases confirm no record exists of SALINAS obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on June 14, 2017.

### Conclusion

14. Based on the above information, I believe probable cause exists that ELVIN JOAQUIN SALINAS is present in the United States without authorization from the Secretary of the United States Department of Homeland Security or the United States Attorney General, after being removed from the United States on June 14, 2017, in violation of 8 U.S.C. § 1326(a).



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Jeremy McCullough  
Deportation Officer  
ICE/ERO

Sworn to before me and signed in my  
presence and/or by reliable electronic means.



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Honorable Patricia Morris  
United States Magistrate Judge